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INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 02-F-046PCT	<b>FOR FURTHER ACTION</b> See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/JP2003/007798	International filing date (day/month/year) 19 June 2003 (19.06.2003)	Priority date (day/month/year) 19 June 2002 (19.06.2002)
International Patent Classification (IPC) or national classification and IPC C04B 26/06, 20/00, 14/02, 41/72, C08L 101/00, C08K 3/00, B29C 33/42, 59/00, E04F 13/14 // C04B 111:54		
Applicant AVAILVS CORPORATION		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 5 sheets, including this cover sheet.  
☐ This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of \_\_\_\_\_ sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

Date of submission of the demand 19 November 2003 (19.11.2003)	Date of completion of this report 11 March 2004 (11.03.2004)
Name and mailing address of the IPEA/JP	Authorized officer
Facsimile No.	Telephone No.

# INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/JP2003/007798

## I. Basis of the report

### 1. With regard to the elements of the international application:\*

- ☒ the international application as originally filed
- ☐ the description:  
 pages \_\_\_\_\_, as originally filed  
 pages \_\_\_\_\_, filed with the demand  
 pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_
- ☐ the claims:  
 pages \_\_\_\_\_, as originally filed  
 pages \_\_\_\_\_, as amended (together with any statement under Article 19  
 pages \_\_\_\_\_, filed with the demand  
 pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_
- ☐ the drawings:  
 pages \_\_\_\_\_, as originally filed  
 pages \_\_\_\_\_, filed with the demand  
 pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_
- ☐ the sequence listing part of the description:  
 pages \_\_\_\_\_, as originally filed  
 pages \_\_\_\_\_, filed with the demand  
 pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_

### 2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

- These elements were available or furnished to this Authority in the following language \_\_\_\_\_ which is:
- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

### 3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

### 4. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages \_\_\_\_\_
- ☐ the claims, Nos. \_\_\_\_\_
- ☐ the drawings, sheets/fig \_\_\_\_\_

### 5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).\*\*

\* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rule 70.16 and 70.17).

\*\* Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	5-7, 10, 11	YES
	Claims	1-4, 8, 9	NO
Inventive step (IS)	Claims		YES
	Claims	1-11	NO
Industrial applicability (IA)	Claims	1-11	YES
	Claims		NO

2. Citations and explanations

Document 1: EP 983977 A1 (Doppel Co., Ltd.), 08 March 2000

Document 2: EP 905102 A1 (Doppel Co., Ltd.), 31 March 1999

Document 3: JP 8-267666 A (Three Bond Co., Ltd.), 15 October 1996

Document 4: JP 6-23773 A (Okura Ind. Co., Ltd.), 01 February 1994

Document 5: JP 8-333148 A (MRC Du Pont Kabushiki Kaisha), 17 December 1996

Document 6: JP 4-7458 A (Ube Ind., Ltd.), 10 January 1992

The invention set forth in claims 1-4, 8 and 9 of the present application lacks novelty in the light of documents 1 and 2 cited in the international search report.

When comparing the artificial stones that are disclosed in documents 1 and 2 (henceforth, cited inventions 1 and 2) and the invention that is set forth in the abovementioned claims of the present application, the size of the protrusions and recesses that are formed upon the surface of cited inventions 1 and 2 is unclear. However, in the light of the example in the present

application wherein the surface is roughened by means of a jet of water, there is not considered to be a difference between the inventions in relation to the numerical range of 1-100mm that is delimited for the invention that is set forth in the present application.

Furthermore, the feature of "emitting intermittent flashes of light that change according the irradiating light or the movement thereof" is merely an effect that is exhibited by such a configuration, and thus may or may not be disclosed.

The invention set forth in claims 1-11 of the present application does not involve an inventive step in the light of documents 1-6 cited in the international search report.

With regards to claims 5-7, document 5 discloses the feature of using particles (D) that are obtained by crushing artificial stone as a coloring material in order to increase the adhesion between the coloring material and the resin component. Therefore, it would be easy for a person skilled in the art to apply the abovementioned feature to cited inventions 1 and 2, crush the artificial stone materials from cited inventions 1 and 2 and re-use the resulting particles as the coloring material in cited inventions 1 and 2 in the light of the disclosures of documents 1, 2 and 5.

With regards to claim 10, document 3 discloses the feature of forming protrusions and recesses upon the surface of an artificial stone by casting the artificial stone in a mold that has protrusions and recesses on the bottom surface thereof, and document 4 discloses the feature of forming protrusions and recesses upon the surface of an artificial stone by pressing it upon a cope that has protrusions and recesses. Therefore, it would be easy for a person skilled in the art to attempt to employ the molding methods that are disclosed in documents 3 and

4 as the molding methods for cited inventions 1 and 2 in the light of the disclosures of documents 1-4. At that time, it is merely a design matter for a person skilled in the art to set the height of the protrusions and recesses.

With regards to claim 11, documents 3 and 6 disclose the feature of incorporating a metal mounting member into the back surface of an artificial wall material.

Therefore, it would be easy for a person skilled in the art to attempt to incorporate a metal mounting member into cited inventions 1 and 2 in the light of the disclosures of documents 1-3 and 6.